

Planning for temporary industrial and commercial buildings

Introduction

Temporary buildings for industrial and commercial businesses are often required as an interim and cost-effective measure when there is an urgent need to provide more space to accommodate growth, carry out refurbishment projects, provide for a temporary requirement or simply to test the market.

A temporary building is suited to these scenarios as it is cheaper than purchasing a permanent structure, yet the quality is such that they are now comparable to permanent alternatives.

Due to the complexity of the planning system, for those who require temporary buildings, it is not always clear whether planning permission is necessary.

Some suppliers of temporary buildings may not always draw attention to the fact that planning permission is usually required.

This article is intended to simplify the current legal framework surrounding the need for planning permission for your temporary industrial or commercial development. It is not a definitive statement of the law and you should still discuss any proposal with ourselves or the Local Planning Authority.

Definition of a building

The first thing you may need to distinguish is whether your development can actually be classed as a building and would therefore be subject to the planning regulations.



Images courtesy of Aganto

The main tests that provide the definition of a building are:

- whether its size is such that normally it would have to be built on site rather than brought to the site ready made.
- whether the construction suggested some degree of permanence meaning it could only be removed by pulling down or taking to pieces.
- whether the construction is physically attached to the ground.

If these tests are met then planning permission will be required, unless it falls within limits allowed by the General Permitted Development Order (GDPO) as set out below, or if there is to be a change of use of the land associated with the temporary development.

Criteria

The following criteria based on the GDPO apply to the development of temporary industrial and commercial buildings. Firstly, development is permitted temporarily whilst building work which has planning permission takes place. This would typically

include a builder's site huts, plant or structures required in connection with a construction or refurbishment project.

For other general temporary industrial and commercial buildings, planning permission will be required if any of the following are met:

- 1) The height of the building would exceed:
 - 5m if the building is within 10m of a boundary of the site.
 - In all other cases, the height of the highest building within site or 15m, whichever is lower.
- 2) For an **extension** or **alterations**:
 - 5m if within 10m of a boundary of the curtilage site.
 - In all other cases, the height of the building being extended or altered.
- 3) If any part of the development is within 5m of the site boundary.
- 4) The gross floor space (measured externally) of any new building erected would exceed 100m²
- 5) The gross floorspace of the original building would be exceeded by more than whichever is lower of:
 - 25%, or
 - 1,000m²



- 6) The development would lead to a reduction in the space available for the parking or turning of vehicles.
- 7) The development would be within a site including a listed building.

Additional restrictions apply in sensitive locations such as Conservation Areas, or where the Council has imposed conditions on a previous permission at the site.

Other planning issues

Once you have established that planning permission is required, the Local Planning Authority will take into account a number of issues in determining the application.

The development may have an impact upon the surrounding highway network, particularly if it will result in an increase in vehicular movements to or from the site. The location of the temporary building may also reduce the amount of space available for parking or manoeuvring of vehicles. If these are potential issues, advice and evidence may be required from a transport consultant in order to address the concerns of the Local Planning Authority.

If the site is located close to housing then the temporary building may affect the amenity of local residents. The Local Planning Authority will need to be certain that any proposed development will not be unacceptably harmful

in terms of noise nuisance, loss of privacy or daylight and visual impact.

The impact upon trees also needs to be taken account. If any trees would have to be removed or could be affected as a result of the development then a tree survey will be required.

Similarly, if there is potential for wildlife to be affected, then an ecology survey may need to be undertaken. You can contact us or the Local Planning Authority to check if this may be the case.

The submission of a Design and Access Statement can help to reassure the Local Planning Authority by explaining the design and locational aspects of the development to ensure all of these issues are addressed.

Local Planning Authorities will not grant permanent permissions for buildings of temporary construction. It is up to the end-user to specify how long they would like the temporary permission, although the Local Planning Authority may request a reduction due to site specific circumstances. For example, the design and location of the temporary building may be such that the Local Planning Authority does not want it be present in the long-term. In any case, there may be scope for extensions to the temporary permission when the period allowed expires.

‘Retrospective’ permissions

Sometimes landowners apply for planning permission once work to erect a temporary building has started, or alternatively to apply for permission and then erect the building before a decision is made. The local authority may then grant a ‘retrospective’ permission if it is acceptable. However, these approaches carry a degree of risk as the Council could take enforcement action which may ultimately lead to the building’s alteration or removal.



If there is an urgent need for the building, it may not be possible to gain permission beforehand given that the application will take approximately 8 weeks from submission. The Council is more likely to be understanding of the situation if it is made aware of the circumstances, particularly if the development supports the viability of a local employer.

Conclusion

While this article has attempted to simplify the legal framework for the need for planning permission for temporary buildings, we understand that it is a complex area. If after reviewing the criteria you are still unsure whether you require planning permission, then do not hesitate to contact us for further advice.

We provide a planning service, in conjunction with temporary building specialists [Aganto](#), which includes the submission of the application and any required documentation, production of Design and Access Statements, liaison with the Council and dealing with any issues that arise throughout the process.

Mosaic is experienced in dealing with planning applications for temporary building and can provide you with the support required by minimising the likelihood of unnecessary delays and subsequent refusal.